

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CANDY M. SOUSA, On Behalf of Herself and All Others Similarly Situated,	)	No. 04-30022-MAP
Plaintiff,	)	<u>CLASS ACTION</u>
vs.	)	
WAVE SYSTEMS CORPORATION, et al.,	)	
Defendants.	)	
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YOSEF STREICHER, On Behalf of Himself and All Others Similarly Situated,	)	No. 04-30026-KPN
Plaintiff,	)	<u>CLASS ACTION</u>
vs.	)	
WAVE SYSTEMS CORPORATION, et al.,	)	
Defendants.	)	
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[Caption continued on following page.]

RON ROGERS' AND STEVE ALVAREZ'S NOTICE OF MOTION AND MOTION TO BE  
APPOINTED LEAD PLAINTIFF PURSUANT TO SECTION 21D(a)(3)(B) OF THE  
SECURITIES EXCHANGE ACT OF 1934 AND FOR APPOINTMENT OF LEAD COUNSEL  
AND LIAISON COUNSEL; REQUEST FOR ORAL ARGUMENT

RAFAT DAWOD, Individually and On Behalf of ) Civil Action No. 04-30029-KPN  
of All Others Similarly Situated, )  
Plaintiff, ) CLASS ACTION  
vs. )  
WAVE SYSTEMS CORPORATION, et al., )  
Defendants. )  
ALVIN CHESS, Individually and On Behalf of ) Civil Action No. 04-30037-MAP  
All Others Similarly Situated, )  
Plaintiff, ) CLASS ACTION  
vs. )  
WAVE SYSTEMS CORPORATION, et al., )  
Defendants. )  
MICHAEL D. VICKER, On Behalf of Himself ) Civil Action No. 04-30040-MAP  
and All Others Similarly Situated, )  
Plaintiff, ) CLASS ACTION  
vs. )  
WAVE SYSTEMS CORPORATION, et al., )  
Defendants. )

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[Caption continued on following page.]

H. MARTIN BOHMAN, On Behalf of Himself and All Others Similarly Situated, ) Civil Action No. 04-30041-MAP  
Plaintiff, ) CLASS ACTION  
vs. )  
WAVE SYSTEMS CORPORATION, et al., )  
Defendants. )  
\_\_\_\_\_  
JIMMY SUO, On Behalf of Himself and All Others Similarly Situated, ) Civil Action No. 04-30042-MAP  
Plaintiff, ) CLASS ACTION  
vs. )  
WAVE SYSTEMS CORPORATION, et al., )  
Defendants. )  
\_\_\_\_\_  
JACK SCHULMAN, Individually and On Behalf of All Others Similarly Situated, ) Civil Action No. 04-30043-MAP  
Plaintiff, ) CLASS ACTION  
vs. )  
WAVE SYSTEMS CORPORATION, et al., )  
Defendants. )  
\_\_\_\_\_

PLEASE TAKE NOTICE that Ron Rogers and Steve Alavarez (collectively, "Movant"), which purchased Wave Systems Corporation ("Wave Systems" or the "Company") common stock between July 31, 2003 and February 4, 2004 ("Class Period"), hereby move this Court for an order granting the Motion to Be Appointed Lead Plaintiff Pursuant to §21D(a)(3)(B) of the Securities Exchange Act of 1934 and for Appointment of Lead Counsel and Liaison Counsel.

This motion is brought pursuant to §21D of the Securities Exchange Act of 1934 ("Exchange Act") on the grounds that Movant has timely filed and is the "most adequate plaintiff." In addition, Movant seeks the Court's approval of its selection of Jeffrey W. Lawrence of Milberg Weiss Bershad Hynes & Lerach LLP as lead counsel and Moulton & Gans, LLP as liaison counsel for the class pursuant to §21D(a)(3)(B)(iv), 15 U.S.C. §78u-4(a)(3)(B)(v).

This motion is based upon this notice of motion, the accompanying memorandum in support thereof, the Affidavit of Nancy Gans, the pleadings and other files and records in each of these actions, and such other written or oral argument as may be permitted by the Court at the hearing on this motion.

#### **REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(d), Movant hereby requests oral argument as to this motion.

DATED: April 5, 2004

Respectfully submitted,

MOULTON & GANS, P.C.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by mail on April 5, 2004.

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\\$\\NANCY FREEMAN GANS  
NANCY FREEMAN GANS

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[Proposed] Lead Counsel for Plaintiffs

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DECLARATION OF SERVICE BY FEDERAL EXPRESS AND FACSIMILE

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and employed in the City and County of San Francisco, over the age of 18 years, and not a party to or interest in the within action; that declarant's business address is 100 Pine Street, Suite 2600, San Francisco, California 94111.
2. That on April 5, 2004, declarant served the **RON ROGERS' AND STEVE ALVAREZ'S NOTICE OF MOTION AND MOTION TO BE APPOINTED LEAD PLAINTIFF PURSUANT TO SECTION 21D(A)(3)(B) OF THE SECURITIES EXCHANGE ACT OF 1934 AND FOR APPOINTMENT OF LEAD COUNSEL AND LIAISON COUNSEL; REQUEST FOR ORAL ARGUMENT** by depositing by Federal Express in San Francisco, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List. Declarant also served the parties by facsimile.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 5th day of April, 2004, at San Francisco, California.

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\S\ DEBORAH DASH  
DEBORAH DASH

**WAVE SYSTEMS (Mass)**

Service List - 4/2/2004 (04-0046M)

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